IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA				
	Plaintiff,) 8:08MJ240)		
	vs.) DETENTION ORDER		
OL	EGARIO GONZALEZ-GAMEZ,			
	Defendant.	}		
A.	. <u>Order For Detention</u> After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 29, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	methamphetamine (Courcarries a minimum sent maximum of forty years i (b) The offense is a crime of (c) The offense involves a national control of the control of	and includes the following: e offense charged: ssession with intent to distribute nt I) in violation of 21 U.S.C. § 841(a)(1) tence of five years imprisonment and a mprisonment. i violence.		
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. X Past conduct of The defendant h The defendant h The defendant h The defendant h Court proceeding	appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. has not a long time resident of the community. has not a long time resident community. has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at		

DETENTION ORDER - Page 2

		Release pending trial, sentence, appeal or completion of sentence.
	(c)	Other Factors:
	(0)	X The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		X The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal. Other:
X		nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Complaint.
V	(5) D -L	ttal I. Bussamurt's as
<u>X</u>		uttable Presumptions
		termining that the defendant should be detained, the Court also relied
		e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
		the Court finds the defendant has not rebutted:
	<u>X</u> (a)	That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that the crime involves:
		(1) A crime of violence; or
		(2) An offense for which the maximum penalty is life
		imprisonment or death; or X (3) A controlled substance violation which has a maximum
		X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, and the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which
		is less than five years old and which was committed
while the defendant was on pretrial release.		
		That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
cause to believe:		of the community because the Court finds that there is probable
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation 2. with counsel; and

8:08-mj-00240-TDT Doc # 20 Filed: 12/29/08 Page 3 of 3 - Page ID # 22

DETENTION ORDER - Page 3

3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 29, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge